

## 40 CFR Part 52

[FRL 1486-5]

## State and Federal Administrative Orders Revising the Michigan State Implementation Plan

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed rule; Proposed approval of revision.

**SUMMARY:** U.S. Environmental Protection Agency (USEPA) proposes to approve the Michigan Air Pollution Control Commission's (MAPCC) request for a revision to the Michigan State Implementation Plan (SIP). The proposed revision is a Final Order issued by the MAPCC. The Final Order was the result of the Stipulation and Consent Order entered into by the Dundee Cement Company and the Air Quality Division of the Michigan Department of Natural Resources. The Order provides for a final compliance date of December 31, 1983, for reducing the particulate matter emissions to 0.20 pounds per 1,000 pounds of exhaust gases at the Dundee Cement Company located near Dundee in Monroe County, Michigan.

Any Order which has been issued to a major source and extends the SIP compliance date for meeting the particulate emission limitations must be approved by USEPA before it becomes effective as a SIP revision under the Clean Air Act. 42 U.S.C. Section 7410. If approved by USEPA, the extension will constitute a revision to the SIP. The purpose of this Notice is to invite public comment on USEPA's proposed approval of the MAPCC Order dated October 17, 1979.\*

**DATE:** Comments must be received on or before June 6, 1980.

**ADDRESS:** Send comments to: Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

The State Order, supporting material and public comments received in response to this Notice may be inspected and copied (for appropriate charges) during normal business hours at the above address or at: Michigan Department of Natural Resources, Air Quality Division, State Secondary Complex, General Office Building, 7150 Harris Drive, P.O. Box 30028, Lansing, Michigan 48909.

**FOR FURTHER INFORMATION:** Contact Gary Gulezian, Chief, Regulatory Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency,

230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6029.

The Dundee Cement plant is located in a particulate attainment area, designated by USEPA on October 5, 1978, (43 FR 45993). The nearest primary particulate nonattainment areas are approximately 35 km northeast and south of the plant, and the closest secondary particulate nonattainment area is approximately 6 km east.

The Dundee Cement Company operates two 1,600 ton per day (each) wet process rotary cement kilns and related cement manufacturing process equipment. From the time the plant was built in 1959, the particulate emissions from the rotary kilns have been controlled by an electrostatic precipitator. The original precipitator unit operated at approximately 97.5 percent efficiency. Particulate emissions were about seven times greater than the Commission's limit. Despite various changes and upgrading efforts, the precipitators have not attained consistent satisfactory performance.

On October 26, 1979 the State of Michigan formally submitted a State Implementation Plan revision for particulate matter and visible emissions in Monroe County, Michigan.

The proposed SIP revision is a Final Order, APC No. 08-1979, issued to the Dundee Cement Company by the Michigan Air Quality Control Commission. The Order extends the compliance date for the Dundee Cement Company to December 31, 1983, for meeting the particulate and visible emission limitations. The schedule for compliance is contained in the following paragraphs of the Order:

4. \* \* \*

(a) On and after the effective date of this Order and until completion of the program referenced in paragraph 4(c), [of the Final Order] the emissions of particulate matter from the Company's cement kilns shall not exceed 0.65 pounds particulate per 1,000 pounds of exhaust gases.

(b) By October 1, 1979, and quarterly thereafter, the Company shall submit to the Staff a report of the Company's progress toward formulation of the control strategy referenced in paragraph 4(c).

(c) By January 1, 1980, the Company shall submit to the Commission an acceptable control strategy which shall provide for compliance with the particulate emission limitations referenced in paragraphs 4(e) and 4(f) as expeditiously as practical but not later than December 31, 1983. The Company and the Commission agree to incorporate the elements of the control

strategy into either a new or amended order.

(d) The elements of the control strategy referenced in paragraph 4(c) shall include the following:

(1) Not later than June 1, 1980, the Company shall as necessary under the control strategy submit to Staff, pursuant to the Commission's rules, an application for an installation permit describing the air pollution control devices(s) and/or other equipment (hereinafter "the kiln stack control equipment") to be used to control the kiln stack emissions.

(2) Not later than November 1, 1980, the Company shall submit to the Staff evidence to substantiate that the kiln stack control equipment has been placed on order with the supplier.

(3) Not later than September 1, 1981, the Company shall begin on-site installation of the kiln stack control equipment and shall notify the Staff in writing that this installation has begun.

(4) Not later than November 1, 1983, the Company shall have completed installation of the kiln stack control equipment and shall notify the Staff in writing that this installation has been completed.

(5) Not later than December 31, 1983, the Company shall have placed in operation the kiln stack control equipment and shall notify the Staff in writing that the kiln stack control equipment has been placed in operation.

(6) Not later than 180 days after the kiln stack control equipment has been placed in operation, the Company shall complete the testing (conducted according to procedures approved by Staff) of the kiln stack control equipment and submit to the Staff the detailed report of the test data and results.

(e) After completion of the program referenced in paragraph 4(c), but not later than December 31, 1983, the particulate matter emissions from the Company's cement kilns shall not exceed 0.20 pounds per 1,000 pounds of exhaust gases.

(f) After completion of the program referenced in paragraph 4(c), but not later than December 31, 1983, visible emissions (excluding water vapor) from the Company's cement kilns shall not exceed 20% opacity except that visible emissions of not more than 40% opacity (excluding water vapor) are allowed for not more than three (3) minutes in any 60-minute period, but such emissions shall not be allowed on more than three (3) occasions during any 24-hour period. The Company reserves the right to petition the Commission for an exception to the opacity limitations set forth in this paragraph based on

economic and technological infeasibility.

5. The heat input to either kiln from petroleum coke shall not exceed 25 percent of the total heat input to that kiln.

6. Visible emissions from the truck loading facility shall not exceed 20 percent opacity except as specified in Rule 336.41.

7. Particulate emissions from the truck loading facilities shall not exceed 0.15 pounds per 1,000 pounds of exhaust gases calculated on a dry gas basis.

8. Visible emissions from the clinker coolers shall not exceed 20 percent opacity except as specified in Rule 336.41.

9. Particulate emissions from the clinker coolers shall not exceed 0.3 pounds per 1,000 pounds of exhaust gases calculated on a dry gas basis.

10. By January 1, 1980, the Company shall submit to the Staff a malfunction abatement plan to prevent, detect, and correct malfunctions and equipment failures which result in emissions from process equipment which exceed any applicable emission limit. The malfunction abatement plan shall be in writing and shall specify the following:

(a) A complete preventive maintenance program, including identification of the supervisory personnel responsible for overseeing the inspection, maintenance and repair of air cleaning devices, a description of the items or conditions that will be inspected, the frequency of these inspections or repairs, and an identification of the major replacement parts which will be maintained in the inventory for quick replacement.

(b) An identification of the source and air cleaning device operating variables that will be monitored in order to detect a malfunction or failure, the normal operating range of these variables, and a description of the method of monitoring or surveillance procedures.

(c) A description of the corrective procedures or operational changes that will be taken in the event of a malfunction or failure in order to achieve compliance with the applicable emission limits.

11. Within thirty (30) days after submission of the plan referenced in paragraph 10, Staff shall either approve the plan; or, if in the opinion of the Staff the plan does not carry out the objectives of paragraph 10, the Staff may disapprove the plan, state in writing its reasons for disapproval and require the preparation of an amended plan within thirty (30) days following receipt by the Company of Staff's written reasons. Within the thirty (30) day period following receipt of Staff's

reasons, the Company shall submit an amended plan which complies with Staff's requirements. The Company may at any time request a hearing before the Commission for the purpose of appealing any Staff decision under this paragraph. The Company shall implement the plan within 60 days after approval by Staff or the Commission.

12. By January 1, 1980, the Company shall submit to the Staff a reasonable plan for controlling fugitive dust emissions associated with the rotary limestone drill, unpaved roads in the quarry, and the paved roads on the plant site.

13. The Company has demonstrated to the satisfaction of the Commission that the operation of the Company's cement kilns at the Company's plant in Dundee, Michigan, pursuant to the requirements of the Order, will not prevent attainment or maintenance of the National Primary Ambient Air Quality Standards for particulate matter.

14. It is the express finding of the Commission that the Company's past actions and the requirements of paragraph 4 provide for compliance with the emission limitations set forth in paragraphs 4(e) and (f) of the Order within a reasonable time and also provide for the implementation of at least reasonably available control technology as expeditiously as practicable. The past actions leading to the above finding include compliance with Performance Contract 873-03 which required the Company to install air pollution control equipment which was expected to control cement kiln emissions at or below the levels specified in paragraphs 4(e) and (f) and further include the recent company finding or organic substances in the raw materials at levels sufficient to impair the collection efficiency of the kiln emission control equipment, thereby making compliance with the emission levels specified in 4(e) and (f) technically infeasible by the currently installed control equipment.

15. The Company, the Commission, and the Chief of the Air Quality Division of the Department of Natural Resources agree that the Consent Order, any supporting data, and any necessary data that may be requested by the U.S. Environmental Protection Agency which is available to the Staff or provided by the Company shall be transmitted to the U.S. Environmental Protection Agency for approval as a revision to the Michigan State Implementation Plan.

USEPA reviewed the Order as a proposed SIP revision and concluded that the operation of the Dundee Cement plant under either the interim (0.65 lb. TSP/1000 lb. exhaust gas) or the final

0.20 lb. TSP/1000 lb. exhaust gas) emission limitations will not threaten or prevent the attainment and maintenance of the TSP NAAQS in the plant vicinity, nor contribute significantly to existing violations at nearby primary and secondary particulate nonattainment areas.

All interested persons are invited to submit written comments on the proposed SIP revision. Written comments received by the date specified above will be considered in determining whether USEPA will approve the revision. After the public comment period, the Administrator of USEPA will publish in the Federal Register the Agency's final action on the proposed SIP revision.

Under Executive Order 12044 (43 FR 12861), USEPA is required to judge whether a regulation is "significant" and, therefore, subject to certain procedural requirements of the Order or whether it may follow other specialized development procedures. USEPA labels proposed regulations as "specialized." I have reviewed these proposed regulations pursuant to the guidance in USEPA's response to Executive Order 12044, "Improving Environmental Regulations," signed March 29, 1979 by the Administrator and I have determined that they are specialized regulations not subject to the procedure requirements of Executive Order 12044.

This proposed rulemaking is issued under the authority of Section 110 of the Clean Air Act (42 U.S.C. 7410).

Dated: April 24, 1980.

John McGuire,

Regional Administrator.

(FR Doc. 80-14075 Filed 5-6-80; 8:45 am)

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#### 40 CFR Part 81

[FRL 1486-4]

#### Designation of Areas for Air Quality Planning Purposes; Attainment Status Designations: Minnesota

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

**SUMMARY:** On February 15, 1980 the State of Minnesota, pursuant to section 107(d)(5) of the Clean Air Act (Act) requested that USEPA change the ozone attainment designation for the following Minnesota counties: Carlton, Lake, St. Louis, Olmsted, Anoka, Hennepin, Carver, Scott, Dakota, Ramsey, Washington, and Sherburne. These counties are currently designated as nonattainment for ozone. Based on the revised National Ambient Air Quality